

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 02-98-87842
Against:)	
)	
KEVIN GERARD COONLEY)	
1621 Fulton Ave., Suite 33)	DEFAULT DECISION
Sacramento, CA 95825-5127)	<u>AND DISCIPLINARY ORDER</u>
)	
Physician and Surgeon's)	
License No. G-53194)	
)	
Respondent.)	
)	

On or about June 29, 1999, the respondent was served with an Accusation in case number 02-98-87842, a Statement to Respondent, Notice of Defense in blank, and copies of relevant sections of the California Administrative Procedure Act, as required by sections 11503 and 11505 of the Government Code.

On or about June 29, 1999, service was accomplished by certified and regular mail directed to the last address for respondent on file with the Medical Board of California. (See attached Exhibit 1.)

Respondent KEVIN GERARD COONLEY, M.D., failed to file a Notice of Defense within the fifteen days allowed by section 11506 of the Government Code. As a result, the default of respondent was entered. Respondent has thereby waived his right to a hearing to contest the Accusation and the Medical Board of California now proceeds without hearing to take action based upon the Accusation, declarations and documentary evidence on file in accordance with Government Code sections 11505, subdivision (a), and 11520.

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FINDINGS OF FACT

The allegations of the Accusation, a true and correct copy of which is attached as Exhibit 2 and incorporated by reference herein, are found to be true.

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, respondent has committed acts constituting unprofessional conduct in violation of Business and Professions Code section 2234 and 822 in that respondent failed a mental competency examination administered to him on March 9 and 26, 1999, by order of the Division. The results of the examination found that respondent was unable to practice medicine with safety to the public because he suffers from a bipolar I affective disorder, manic with psychotic features.

Respondent has refused treatment for his illness; he cannot practice safely because his mood disorder impairs his ability to interact with patients and his cognitive processes and judgment are impaired.

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DISCIPLINARY ORDER

Physician and Surgeon's Certificate No. G-53194, issued to KEVIN GERARD COONLEY, M.D., is hereby revoked.

Respondent shall not be deprived of making a request for relief from default as set forth at Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of motion to vacate the default decision and directed to the Division of Medical Quality, Medical Board of California, State of California at 1426 Howe Avenue, Sacramento, CA 95825, prior to the effective date of this decision.

This decision shall be come effective on the

18th day of October, 1999 at 5pm.

Dated: September 17, 1999

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
Department of Consumer Affairs
State of California

By: _____



IRA LUBELL, M.D.
President

Division of Medical Quality

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 29 **19 99**
BY Hector Arroyo **ANALYST**

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	Case No. 02-98-87842
Against:)	
)	
KEVIN GERARD COONLEY)	
2060 Wyda Way, No. C-3)	ACCUSATION
Sacramento, CA 95825)	
)	
Physician and Surgeon's)	
License No. G-53194)	
)	
Respondent.)	

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about July 30, 1984, Physician and Surgeon's Certificate No G-53194 was issued by the Board to Kevin Gerard Coonley, M.D. (hereinafter "respondent"), and at all times relevant to the charges brought herein, this license has been in

1 full force and effect. Unless renewed, it will expire on January
2 31, 2000. On May 27, 1999, an Interim Suspension Order was
3 issued prohibiting respondent from practicing medicine.

4 JURISDICTION

5 3. This accusation is brought before the Division of
6 Medical Quality of the Medical Board of California, Department of
7 Consumer Affairs (hereinafter the "Division"), under the
8 authority of the following sections of the California Business
9 and Professions Code (hereinafter "Code"), and/or other relevant
10 statutory enactment:

11 A. Section 2227 of the Code provides that the Board
12 may revoke, suspend for a period not to exceed one year, or place
13 on probation, the license of any licensee who has been found
14 guilty under the Medical Practice Act, and may recover the costs
15 of probation monitoring if probation is imposed.

16 B. Section 2234 of the Code provides in pertinent
17 part that the Board shall take action against any licensee who is
18 charged with unprofessional conduct.

19 C. Section 822 of the Code provides that the Board
20 may take action against a licensee if his ability to practice is
21 impaired because he is mentally ill, or physically ill which
22 affects his competency.

23 D. Section 125.3 of the Code provides in part that
24 the Board may request the administrative law judge to direct any
25 licensee found to have committed a violation or violations of
26 the licensing act to pay the Board a sum not to exceed the
27 reasonable costs of the investigation and enforcement of the

1 case.

2 E. Section 14124.12(a) of the Welfare & Institutions
3 Code provides in pertinent part that upon written notice of the
4 Medical Board of California that a physician and surgeon's
5 medical license has been placed on probation as a result of a
6 disciplinary action, no Medi-Cal claim for the type of surgical
7 service or invasive procedure giving rise to the probationary
8 order and performed on or after the effective date of said
9 probationary order or during the period of probation shall be
10 reimbursed, except upon a prior determination that compelling
11 circumstances warrant the continuance of reimbursement during the
12 probationary period for procedures other than those giving rise
13 to the probationary order.

14 4. Respondent is guilty of unprofessional conduct
15 within the meaning of Code sections 2234 and 822 as more
16 particularly set forth hereinbelow.

17 **FIRST CAUSE FOR DISCIPLINE**
18 (General Unprofessional Conduct)
[Bus. & Prof. Code § 2234 and 822]

19 5. On or about December 4, 1998, a Petition to Compel
20 Mental and Physical Examination was filed against respondent
21 Coonley alleging numerous grounds entitling the Division of
22 Medical Quality, Medical Board of California to order respondent
23 Coonley to submit to a mental and/or physical examination to
24 determine his ability to practice medicine safely within the
25 meaning of Bus. & Prof. Code section 820.

26 6. Said petition was granted by the Division on
27 December 11, 1998, and respondent was directed thereby to submit

1 to a mental and/or physical examination at the Division's further
2 directions.

3 7. On or about March 9 and 26, 1999, respondent
4 submitted to the mental examination previously ordered by the
5 Division herein and performed by a California licensed physician
6 and surgeon board certified in psychiatry.

7 8. Respondent was diagnosed with Bipolar I Affective
8 Disorder, Manic with Psychotic Features based on symptoms of
9 pressured speech, anger and irritability, erratic and impulsive
10 behavior, assaultive behavior, weight loss, change in sleep,
11 paranoia, religiosity, high energy, and poor judgment. He is at
12 risk for more serious psychotic decompensation at any time.

13 9. Respondent, who is not in treatment and does not
14 acknowledge his illness, cannot practice medicine safely because
15 his mood disorder impairs his ability to interact with people
16 appropriately and consistently and because his cognitive
17 processes and judgment are impaired. He therefore lacks the
18 ability to communicate with patients and other medical personnel
19 and to process medical and administrative decisions and he is
20 unable to practice medicine safely due to a mental condition.

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1 PRAYER

2 WHEREFORE complainant requests that a hearing be held
3 on the matters herein alleged and that, following the hearing,
4 the Division issue a decision:

5 1. Revoking or suspending Physician and Surgeon's
6 Certificate Number G-53194 heretofore issued to respondent Kevin
7 Gerard Coonley, M.D.;

8 2. Revoking, suspending or denying approval of
9 respondent's authority to supervise physician assistants pursuant
10 to Code sections 3527;

11 3. Ordering respondent to pay the Division the actual
12 and reasonable costs of the investigation and enforcement of this
13 case and the costs of probation monitoring if probation is
14 imposed; and

15 4. Taking such other and further action as the
16 Division may deem necessary or proper.

17 DATED: June 29, 1999.

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20 Dr. M. Joseph
21 RONALD JOSEPH
22 Executive Director
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California

26 Complainant
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